

Newfields Planning Board Meeting

Proposed Zoning Changes December 14, 2006

Attendance: William Meserve, Michael Price, Michael Todd and Town Planner Reuben Hull. Members absent from the meeting were Elliot Alexander, John Hayden and Selectmen's Representative Janet Smith.

Chairman Bill Meserve called the meeting to order at 7:00pm.

The following proposed amendments were discussed.

DESCRIPTION OF DISTRICT BOUNDARIES

Amend the Town of Newfields Zoning Ordinance ARTICLE III as follows:

3.3 DESCRIPTION OF DISTRICT BOUNDARIES

3.3.1 Residential-Village District

The Residential-Village District shall include all lands from the corner of Summer Street and Piscassic Road to the overhead railroad bridge on Main Street; and Piscassic Road from Main Street through and including the residence of Carl Smith **Tax Map 206 Lot 5** to a depth of 300 feet each side; also to include Section 1, 2, and 3 of the Newfields Gardens as described in Plot Plan filed October 31, 1958; and the area enclosed by Main Street, Summer Street, Pleasant Street, Squamscott Street and the Boston & Maine Railroad.

3.3.5 Land Conservation Zone:

The Land Conservation Zone shall include all lands in the Newfields Shoreland Protection District, as defined in Article IX Section 9.3.5.

Reuben explained that the above proposed changes are for clarification. The name change of the residential district to the residential-village district is for the purpose of differentiating between residential use and residential agricultural use. District boundaries have not changed. The description of where the change (from R to R/A) occurs has been made clearer by adding a parcel location. The land conservation zone is a part of our current regulations but the description is not defined. 3.3.5 is the addition of a definition. A motion was made and seconded to accept the amendment to be placed on the ballot for a vote on March 13, 2007.

USE REGULATIONS

Amend the Town of Newfields Zoning Ordinance ARTICLE III as follows:

SCHEDULE I - USE REGULATIONS		R	R-A	C	I	LC
The following schedule of Use Regulations lists all the principal uses allowed as a matter of right and those allowed special exception, in the various zoning districts, normal accessory uses are subject to the same restrictions. All uses permitted are subject to the regulations and provisions of other sections of this ordinance. Uses other than those listed are prohibited.						
3.4.1	Farming, Produce (commercial)	X	P	P	P	S
3.4.2	Fire & Police stations & town offices	P	P	P	P	X
3.4.3	Forestry, wildlife preserves, hunting & fishing clubs, private	S	P	P	P	P

	recreation club					
3.4.4	Public parks & playgrounds	P	P	P	P	P
3.4.5	Churches, schools	P	P	P	X	X
3.4.6	Single family dwelling	P	P	P	X	X
3.4.7	Two family dwelling (6)	P	P	X	X	X
3.4.8	Multifamily dwelling	X	X	X	X	X
3.4.9	Mobile Homes (1)	X	P	P	X	X
3.4.10	Rooming & Boarding Houses	P	P	X	X	X
3.4.11	Nursing Home	X	X	P	X	X
3.4.12	Home Occupations	SP	P	P	P	X
3.4.13	Retail stores, restaurants, personal & professional services, offices	XS	X	P	X	X
3.4.14	Auto Sales, service, washing	X	X	P	X	X
3.4.15	Funeral parlors, theaters	X	X	P	X	X
3.4.16	Shopping Centers (2)	X	X	S	S	X
3.4.17	Hotel – Motel	X	X	P	X	X
3.4.18	Drive-in Theater	X	X	P	P	X
3.4.19	Fuel, oil, gas storage, distribution	X	X	S	S	X
3.4.20	Commercial Mining (3)	X	X	S	S	X
3.4.21	Light industry	X	X	S	P	X
3.4.22	Heavy industry	X	X	X	S	X
3.4.23	Marinas	X	P	P	P	S
3.4.24	Commercial greenhouse, blacksmiths, commercial stables,	X	P	P	P	X
	Animal day care					
3.4.25	Personal riding horses (4)	P	P	S	S	S
3.4.26	Recreational campground	X	X	X	X	X
3.4.27	Utilities, gas, electric, sewer water	P	P	P	P	S
3.4.28	Junk Yard or Motor Vehicle yards(5)	X	X	S	S	X
3.4.29	Bed and Breakfast	S	S	S	X	X

P = Permitted; S = Permitted by Special Exception (see footnotes); X - Prohibited

NOTES:

1. Mobile Homes - see 4.1
2. see 4.13.8 Shopping Centers
3. see 4.13.9 Commercial Mining
4. see 4.2 Horses
5. see 4.13.10 Junk Yards
6. see 4.8 Conversion of Existing Residential

The addition of private recreation club, animal day care, and bed and breakfast were discussed. Nursing homes and child/elder care were also brought up. These uses are currently prohibited because they are not defined. The proposed amendments would change home occupations to a permitted use in the residential district. Retail stores, restaurants, personal and professional services, offices would be allowed by special exception in the residential district rather than prohibited. Changes were made to the proposed use schedule which means a second public hearing will need to be held next month.

NOISE CONTROL

Amend the Town of Newfields Zoning Ordinance ARTICLE IV as follows:

4.7 NOISE CONTROL

- 4.7.1.4 Truck idling: No person shall operate an engine or any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds GVW (gross vehicle weight) for a period in excess of ten (10) minutes when such vehicle is parked on a residential premises or on a town road next to or across from a residential premises.**

Reuben explained that the truck idling ordinance came from the Selectmen. Our current noise ordinance addresses noise on site. It does not address noise in a right of way or on a street. This ordinance would put a limitation on how long a truck can idle. Jed Rumford mentioned that truck idling is not a planning board or zoning board issue. He thinks it needs to be a town ordinance and enforced by the Police Department. Based on the public's opinion, the Planning Board rejected the truck idling ordinance. A motion was made by Mike Todd and seconded by Mike Price to reject the proposal and refer it back to the Selectmen. All were in favor and the motion carried.

SWIMMING POOLS

Amend the Town of Newfields Zoning Ordinance ARTICLE IV as follows:

4.3 SWIMMING POOLS

- 4.3.1 All outdoor artificial pools which have a depth of more than three feet when filled to capacity with water shall be surrounded by a substantial wall, fence, or other enclosure having a minimum height of five feet. In the event an artificial pool has elevated sides higher than five feet and is so constructed that a child cannot easily climb the pool sides or otherwise gain access to the pool, no fencing is required.**
- 4.3.2 The wall, fence or other enclosure shall be constructed so that a child will be unable to crawl under or through, or easily climb over it, so that, in fact, the only easy access to the pool is a gate or door. All such gates or doors shall be locked when the pool is not attended by someone 14 years of age or older.**
- 4.3.1 Appendix G of the 2000 International Residential Code shall be the minimum requirements for all swimming pools and barrier fencing for those installations.**

All pools hereafter constructed must comply with this ordinance, and all existing pools must comply by May 1, 1973 **2008**.

Reuben explained that this amendment will make our code for swimming pools match the international code which is better defined than our existing ordinance. Appendix G will be published in the town report prior to voting by ballot on March 13, 2007.

JUNKYARDS

Amend the Town of Newfields Zoning Ordinance ARTICLE IV as follows:

4.13.10 Junk Yard or Motor Vehicle Junk Yard

4.13.10.1 In addition to the consideration enumerated in paragraphs 4.13, Junk Yards or Motor Vehicle Junk Yards may be allowed, provided that: they not be located within 200 feet of any accepted public street. The Zoning Board of Adjustment may grant such application subject to such conditions as the Board shall determine are necessary for the protection of property values in the vicinity of the proposed use. Said conditions may include, but need not be limited to, the provision of adequate and properly maintained screening.

4.13.10.2 The following are prohibited to be kept or maintained within the limits of the town, so near to any highway, street, park, public place, or abutting land owned or occupied by another person, so as to be offensive to the use, occupation, and enjoyment of said adjoining or abutting premises by its owners or occupants; or so as to leach into a waterway or discharge upon abutting properties; or so as to be a menace to the public health; or in such a manner that the contents or other offensively kept premises are visible from abutting premises:

-) junk yard without a town permit
-) dump, refuse, waste, junk, or ashes
-) hazardous materials
-) bulk storage of oil or gasoline, other than in standard or approved containers or containment facilities

This ordinance helps to clearer define a junkyard and is health and safety related. The amendment will be placed on the ballot for a vote on March 13, 2007.

OFF-STREET PARKING AND LOADING REQUIREMENTS

Amend the Town of Newfields Zoning Ordinance ARTICLE IV as follows:

4.5 OFF-STREET PARKING AND LOADING REQUIREMENTS

4.5.1 Applicability

No use shall be authorized or extended and no building shall be erected or enlarged unless parking and loading requirements are met for the new or added use or uses. Any use existing prior to passage of this ordinance which is later changed or enlarged shall provide an additional number of parking spaces to equal that required in this section.

4.5.1.1 All required spaces in residential zones shall be upon or adjacent to the lot which they are designed to serve. In all other zones, such parking shall be provided within a 200' radius of the structure.

4.5.1.2 Municipal parking lots shall not be substituted for the requirements of this section.

4.5.2 Parking Requirements

The following number of spaces shall be required according to the use of the structure. Each space shall be provided with adequate maneuvering space.

Structural Use	Parking Required
Single Family	2 spaces per family
Two Family	2 spaces per family

Motel	1 space per unit
Hospital or Nursing Home	1 space per 4 beds
Funeral Parlor	8 spaces plus 4 per each 100 sq.ft. space used by 6 guests
Medical Offices	4 spaces per doctor
Industrial	1 space per employee on largest shift
Commercial	1 space per 200 sq. ft. of gross floor area

4.5.1 Parking and Loading requirements shall be in accordance with the Town of Newfields Site Review and Subdivision regulations.

Reuben stated that this ordinance will move the Off-street Parking and Loading Requirements table out of the zoning ordinances and into the site review regulations. The amendment will be placed on the ballot for a vote on March 13, 2007.

FLOODPLAIN DEVELOPMENT ORDINANCE

Amend the Town of Newfields Zoning Ordinance ARTICLE III as follows:

3.1 ZONING DISTRICTS

- SFHA --Special Flood Hazard Area (Adopted 1979)
- FO --Floodplain Overlay District

Further, amend the Town of Newfields Zoning Ordinance ARTICLE IV as follows:

4.11SPECIAL FLOOD HAZARD AREA AS FOLLOWS: (Adopted 1979)

- 4.11.1 No new residential structures are permitted within the zone.
- 4.11.2 Non-residential structures (commercial, industrial accessory, etc.) may be permitted providing they are Flood proof and are permitted by other sections of this ordinance.
- 4.11.3 A permit from the selectmen is required for all uses in the Special Flood Hazard Area.
- 4.11.1 All development within the Floodplain Development Overlay District (FO Zone) shall be in accordance with Article VI – Floodplain Development District.**

Further, amend the Town of Newfields Zoning Ordinance ARTICLE X as follows:

- 10.2.4 SPECIAL FLOOD HAZARD AREA (Adopted 1979) FLOODPLAIN OVERLAY DISTRICT**

Reuben informed us that the Floodplain Development Ordinance and Overlay District are defined in three different places in the regulations. This amendment will provide one definition in Section 10. A motion was made and seconded to accept the amendment to be placed on the ballot for a vote on March 13, 2007.

James Daley asked about changing the front setback in the commercial zone from 60 feet to 50 feet because it is difficult for applicants to meet the deep setback. Reuben

suggested that an applicant that has an issue with the current 60 foot setback could always go to the zoning board for a variance on dimensional setback.

Alison Watts from the Conservation Commission was present and talked about prime wetlands. She talked about the report that West Environmental, Inc. prepared. The report identified wetlands that qualify for Prime Wetland Designation. The information in the report may also be used as a planning tool by town officials to identify and protect natural resources. Alison informed the Board that the Conservation Commission is not ready to move forward this year with a town vote to designate prime wetlands. There are concerns about how landowners will be affected by these proposed changes and more information needs to be compiled before going forward.

With no further business to discuss, the meeting adjourned at 8:30 pm.

Respectfully submitted,
Sue McKinnon